



7 FEB 2006

35876  
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In re Application of  
ALESSI, Dario *et al*  
U.S. Application No.: 10/517,225  
PCT No.: PCT/GB03/02509  
Int. Filing Date: 09 June 2003  
Priority Date: 08 June 2002  
Attorney's Docket No.: 002.00250  
For: METHODS

**DECISION ON  
PETITION  
UNDER 37 CFR 1.182**

This decision is in response to applicants' "Petition Under 37 CFR 1.182" ("Pet.") filed via facsimile on 29 December 2005.

**BACKGROUND**

On 08 December 2004, applicants filed for entry into the national stage in the United States under 35 U.S.C. 371. Applicants listed the international application number as PCT/US03/02509 on the transmittal letter (Form PTO-1390). The customer number was recorded as 35876.

On 04 April 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided.

On 09 June 2005, applicants filed a "Response to Notification of Missing Requirements" which was accompanied by, *inter alia*, a declaration executed by four joint inventors. The declaration listed the international application as PCT/GB03/02509. The customer number was recorded on the declaration as 35878.

On 29 June 2005, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) to customer number 35878. The Form PCT/DO/EO/903 indicated that the 35 U.S.C. 371 requirements were satisfied for the national stage of PCT/US03/02509 on 09 June 2005.

On 29 December 2005, applicants filed the subject petition to correct the international application number along with a change of correspondence address listing the customer number as 35876.

### DISCUSSION

The declaration submitted on 09 June 2005 was not a declaration for PCT/US03/02509. Accordingly, the Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and filing receipt mailed 29 June 2005 are **VACATED**.

Petitioners claim that on the transmittal letter filed upon entry of the national stage the international application number was "incorrectly identified." The transmittal letter (Form PTO-1390) filed 08 December 2004 indicated that the papers were for the national stage of PCT/US03/02509. Petitioners request that the above-captioned application be identified as the national stage of PCT/GB03/02509. The \$400.00 petition fee has been charged to Deposit Account No. 50-0772 as authorized.

A review of the national stage papers reveals that the inventor names and priority date claimed on the Form PTO-1390 filed 08 December 2004 correspond to PCT/GB03/02509, not PCT/US03/02509. Moreover, the Preliminary Amendment filed 08 December 2004 notes that the application is a national stage of PCT/GB03/02509. The International Search Report submitted also refers to PCT/GB03/02509.

Thus, it is clear that a typographical error was made on the transmittal letter. The correct international application number is PCT/GB03/02509.

### CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.182 is **GRANTED**.

The customer number is changed back to 35876.

This application is being forwarded to the DO/EO/US to process the above-captioned application as the national stage of PCTGB03/02509.



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